

Remarks/Arguments:

Claims 9-16 are pending in the application. Claims 1-8 were previously cancelled.

In the Office Action dated June 6, 2006, claims 9-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over British Patent UK 2041122 ("Farr") in view of U.S. Patent No. 6,374,939 ("Hohnstadt et al.").

The Office Action dated June 6, 2006 and the references cited therein have been carefully considered. In view of the foregoing amendments and the following remarks, Applicant respectfully traverses the claim rejections.

Applicant's disc brake is advantageous in that it features a locking element that prevents undesirable rattling noises from developing between the brake holder, brake pads and floating caliper. (Spec. p. 7, line 29 - p. 8, line 9, line 2). At the same time, the locking element allows for defined adjustment of the radial clearance between components. (Spec. p. 10, lines 6-19). Such features are not disclosed or suggested by the cited references, whether each is taken alone or in combination.

Applicant's claim 9 recites a floating-caliper disc brake including "a locking element for radial fixation of the floating caliper on the brake holder . . . wherein the locking element is secured to the floating caliper so as to be adjustable in its radial position." None of elements 5A, 13 and 19 shown in Farr are locking elements as claimed. Element 5A is part of cylinder 5 that connects the cylinder to brake holder 2, not the caliper. Therefore, arm 5A has no control over the radial position of the caliper 10. Element 13 is the caliper itself, and bears no resemblance to a locking element. Element 19 (seen best in Fig. 4) is an elastic spring that merely biases the caliper 10 downwardly, and does not fix it.

The Office Action correctly notes that Farr fails to teach a locking device adjustable in its radial position. To overcome this deficiency, the Office Action combines Farr with Hohnstadt, et al., which discloses an elongated mounting hole. Assuming one would be motivated to add an elongated hole to the structure of Farr, Farr still would not have a locking element for radial fixation of the floating caliper on the brake holder. None of the elements 5A, 13 or 19 are "locking elements" for radial fixation of the caliper, as noted above. Adding an elongated hole would not turn any of the elements 5A, 13 or 19 into locking elements. Therefore, adding the elongated hole of Hohnstadt et al. would not resolve the fact that Farr does not have locking

elements as claimed, let alone radially adjustable locking elements. Accordingly, the combination of references fail to teach or suggest each and every element of claim 9.

In any event, one of ordinary skill in the art would not be motivated to modify the brake in Farr to incorporate a radially adjustable locking device. Farr incorporates a spring 19 to bias the caliper 10 downwardly into engagement with backing plate 17. (p. 2, lines 26-36). This position of engagement is essential to prevent rattling of brake pad 15 and "to locate" the caliper. (p. 2, lines 26-36). A person of ordinary skill in the art would not be motivated to adjust caliper 10 out of its "located" position against backing plate 17, because doing so would subject the pad 15 to undesirable rattling. Therefore, Farr teaches away from the idea of making the caliper 10 radially adjustable, and one would not be inclined to modify it to incorporate the elongated hole of Hohnstadt et al., since doing so only creates an additional problem.

For the foregoing reasons, Applicant respectfully submits that claim 9 is allowable over the combination of Farr and Hohnstadt et al.

Claims 10-16 are dependent on claim 9 and incorporate all the elements recited in claim 9. Therefore, claims 10-16 are believed to be allowable over the combination of Farr and Hohnstadt et al. for at least the same reasons that claim 9 is allowable.

New Claims

Applicant respectfully requests consideration of new claims 17 and 18. Claim 17 recites a floating-caliper disc brake of a motor vehicle including a brake holder firmly attached to the vehicle, and a floating caliper mounted on the brake holder, the floating caliper being axially displaceable, the disc brake further comprising a rigid locking element that connects the floating caliper with the brake holder, the rigid locking element preventing radial movement of the floating caliper and being secured to the floating caliper so as to be adjustable in its radial position. Support for new claim 17 is found on page 9, lines 2-16 of the substitute specification. No new matter has been added.

Claim 18 recites a floating-caliper disc brake of a motor vehicle including a brake holder firmly attached to the vehicle, and a floating caliper mounted on the brake holder, the disc brake comprising a locking element that fixes the radial position of the floating caliper, the locking element being radially adjustable to fix the floating caliper in a first position, in which a

radial clearance is provided between the floating caliper and the brake holder, and radially adjustable to fix the floating caliper in a second position, in which the floating caliper engages the brake holder. Support for new claim 18 is found on page 9, line 2 to page 10, line 19 of the substitute specification. No new matter has been added.

Conclusion

Based on the foregoing amendments and remarks, Applicant respectfully submits that the application is condition for allowance. Early notification to that effect is respectfully requested. If the Examiner believes that issues remain regarding the allowability of the claims, the Examiner is encouraged to contact the undersigned at (610) 407-0700.

Respectfully submitted,



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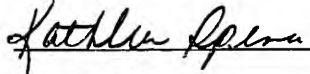
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Dated: September 6, 2006

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